



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

SEP 20 2012

Zak Covar  
Executive Director  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: UIC Program Revision to establish an Aquifer Exemption  
Fusselman Formation, Montoya Group, and El Paso Group, El Paso County

Dear Mr. Covar:

I am pleased to inform you EPA finds TCEQ's application to exempt portions of the Fusselman Dolomite, Montoya Dolomite and El Paso (dolomite and limestone) group in El Paso County, Texas, a non-substantial revision to its underground injection control program. As such, by authority delegated to our Regional Administrator and redelegated to the Water Quality Protection Division, we approve the exemption under the criteria provided in Title 40 of the Code of Federal Regulations §146.4.

EPA review of your application confirms that the portion of the aquifer proposed for exemption does not currently serve as source of drinking water; there are no drinking water wells in the vicinity of the proposed exempted area that draw water from the proposed exempted areas. In addition, the remote location of the wells and their depths make recovery of the water for drinking water purpose economically or technically impractical. Furthermore, your application demonstrates that water samples taken from the formations proposed for exemption exhibit high concentration of certain radionuclides (gross alpha and radium 226 and 228).

EPA concludes that the portion-of the aquifer proposed for exemption meets the criteria for exemption at:

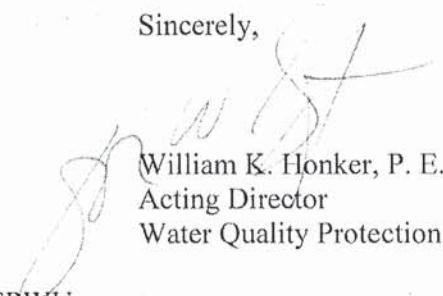
- §146.4 (a): It does not currently serve as a source of drinking water; and
- §146.4 (c): The total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.

The areal extent and horizontal boundaries of the exempted portions of these dolomite and limestone groups are as described in TCEQ's February 27, 2012 aquifer exemption application cover letter and depicted in figure 2 of TCEQ's Aquifer Exemption Order, Docket No. 2011-1814 (enclosed). This exemption applies only to disposal of desalination wastes for 50 years through the three existing disposal wells, as modeled in the application for exemption. The

existing wells are close to the Texas/New Mexico border, and modeling by the permit applicant shows that injected waste will remain on the Texas side of the boundary. This approval does not extend into New Mexico, and injection rates shall be managed to ensure that no injected waste migrates beyond the Texas portion of the aquifer. Any modification adversely affecting the protection of USDWs in New Mexico will require additional approval.

If you have any questions, please contact Mr. Philip Dellinger, Chief, Ground Water/UIC Section at (214) 665-8324.

Sincerely,

A handwritten signature in dark ink, appearing to read "Honker", is written over the typed name and title.

William K. Honker, P. E.  
Acting Director  
Water Quality Protection Division (6WQ)

cc: Ed Archuleta, President, EPWU  
David Martin, Secretary, NMED